



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz
Application No.:	09/197278
Filed:	November 20, 1998
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	3731

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-6769-US01

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Included in this submission are several related applications to Tseng, et al. including U.S. application No. 60/076,946, WO 99/44535, US application 09/623, 347 and US application US 10/474,848.

For the Examiner's convenience following is a summary of the family of this application.

The instant application, U.S. application no. 09/197,278, filed November 20, 1998, is a continuation-in-part of U.S. application no. 08/511,076, filed August 2, 1995 which is a continuation-in part of U.S. application no. 08/396,569, filed March 1, 1995.

The following applications are continuations of U.S. application 08/511,076: U.S. application no. 09/122,431, filed July 24, 1998, issued as U.S. Patent No. 6,348,065; U.S. Application No. 09/599,674, filed June 22, 2000; U.S. application no. 09/934,178, filed August 21, 2001; and U.S. application no. 10/194,854, filed July 11, 2002.

U.S. application no. 09/666,866, filed September 20, 2000 is a continuation of U.S. application no. 09/122,431.

The following applications are continuations of U.S. application no. 09/197,278: U.S. application no. 09/878,596, filed June 22, 2001; U.S. application no. 10/705,273, filed November 10, 2003; and U.S. application no. 10/728,513, filed December 5, 2003.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

☒ I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- ☐ (1) within 3 months of the filing date of the application (other than a CPA); or
- ☐ (2) within 3 months of entry of the national stage; or
- ☐ (3) before the mailing of a first Office Action on the merits;
- ☒ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- ☐ (5) as part of a continued prosecution application (CPA); or

\_\_\_\_\_ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

\_\_\_\_\_ **II.** This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

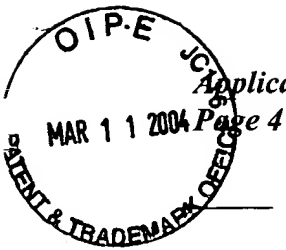
- \_\_\_\_\_ (1) a certification as specified in §1.97(e) is provided below; or
- \_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

\_\_\_\_\_ **III.** 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- \_\_\_\_\_ (1) a certification as specified in §1.97(e) is completed below; and
- \_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

**X** **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*



I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_\_ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

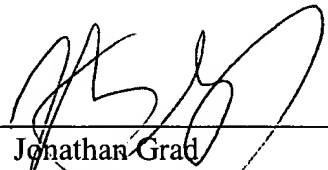
*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

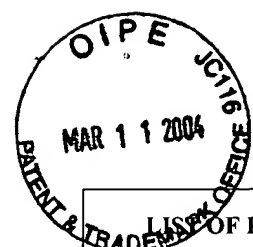
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 11, 2004

By:   
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<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)	<b>ATTY DOCKET NO.:</b> S63.2B-6769-US01	<b>APPLICATION NO.:</b> 09/197278
	<b>APPLICANT:</b> Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz	
	<b>FILING DATE:</b> November 20, 1998	<b>GROUP:</b> 3731

REFERENCE DESIGNATION	U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
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EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5411552	5/02/95	Andersen et al.	623/2	
	AB	5649952	5/22/97	Lam	606/198	
	AC	5707386	1/13/98	Schnepp-Pesch et al.	606/194	
	AD	5855597	1/05/99	Jayaraman	623/1	
	AE	5855600	1/05/99	Alt	623/1	
	AF	5868780	2/09/99	Lashinski et al.	606/198	
	AG	5876432	3/02/99	Lau et al.	623/1	
	AH	5895407	4/20/99	Jayaraman	606/198	
	AI	5913895	6/22/99	Burpee et al.	623/1	
	AJ	5925061	7/20/99	Ogi et al.	606/198	
	AK	6056775	5/02/00	Borghi et al.	623/1.16	
	AL	6132460	10/17/00	Thompson	623/1.15	
	AM	6193747 B1	2/27/01	Von Oepen	623/1.15	
	AN	6395020 B1	5/28/02	Ley et al.	623/1.15	
	AO	6533808 B1	3/18/03	Thompson	623/1.15	
	AP	6613081 B2	9/02/03	Kim et al.	623/1.15	
	AQ					

FOREIGN PATENT DOCUMENTS				
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		DOCUMENT NUMBER	DATE	COUNTRY
	BA	0 796 597 A2	9/24/1997	EP
	BB	97/32544	9/12/1997	WO
	BC	99/44535	9/10/1999	WO
	AY			
	AZ			

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)	ATTY DOCKET NO.: S63.2B-6769-US01		APPLICATION NO. 09/197278	
	APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz			
	FILING DATE: November 20, 1998		GROUP: 3731	

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)**

	CA		
	CB		

**UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY**

EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)
	DA	60/076,946	3/5/1998	David Tseng, et al.
	DB	09/623,347	11/15/2000	David Tseng, et al.
	DC	10/474,848	12/29/2003	David Tseng, et al.

US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)	ATTY DOCKET NO.: S63.2B-6769-US01		APPLICATION NO. 09/197278	
	APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubitz			
	FILING DATE: November 20, 1998		GROUP: 3731	

**US APPLICATIONS REALTED BY PRIORITY**

EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA					
	EC					

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.